

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-1763V

JACLYN MCNALLY,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 18, 2024

Renee J. Gentry, The Law Office of Renee J. Gentry, Washington, DC, for Petitioner.

Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 4, 2020, Jaclyn McNally filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleged that she suffered the Table injury of shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine received in her left shoulder on December 7, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 31, 2024, I issued Findings of Fact in which I determined that although Petitioner’s Table claim was not viable, she “may be able to succeed under a causation-in-fact theory.” ECF No. 36 at 1-2. In reaction, on December 5, 2024, Petitioner filed an

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Amended Petition alleging that “her left shoulder subacromial bursitis was caused-in-fact by her [flu] vaccination she received on December 7, 2019.” ECF No. 42.

On December 17, 2024, Respondent filed an Amended Rule 4(c) Report conceding that Petitioner is entitled to compensation for her causation-in-fact claim. ECF No. 45. Specifically, Respondent “has concluded that [P]etitioner suffered subacromial bursitis in her left shoulder, and that it was caused-in-fact by the flu vaccine she received on December 7, 2019.” *Id.* at 5. Respondent further agrees that “[P]etitioner suffered the sequelae of her injury for more than six months [and] [b]ased on the medical records . . . [P]etitioner has met the statutory requirements for entitlement to compensation.” *Id.*

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master